

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 16, 1998

DIVISION ONE

B118064 Haase v. Ellenburg Capital Corp.
 Altman
B121287 Haase v. Ellenburg Capital Corp.
 Karno

Filed order consolidating above captioned appeals.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Goodman, J. (Assigned), and
Valorie Gray, Deputy Clerk.

Each of the following:

B112003 Johnson v. Robinson
B111218 People v. Ferguson
B112251 People v. Hill
B121665 Maria E. v. S.C.L.A.
B116783 County of L.A. v. Audrey N.
B108420 People v. Clark
B114504 People v. Cortez
B114130 People v. Adam D.
B112990 People v. Johnson
B111635 People v. Stevenson
B111672 People v. Lewis
B112389 People v. Lopez
B108281 People v. Rivera, et al.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B099861 Victor
v.
Anada & Krause

Merits:
Argued by Sasson Sales for appellant and by Steven J. Krause for respondent. Cause submitted.

B106771 Ali
v.
Makseמוש

Merits:
Argued by Jerry N. Gans for appellant and by Sylvia Havens for respondent. Cause submitted.

B114350 Henry
v.
Franchise Tax Board

Merits:
Argued by Jacob B. Henry, in propria persona and by Herbert A. Levin, deputy attorney general for respondent. Cause submitted.

B102001 People
v.
Howard, et al.

Merits:
Argued by Sara H. Ruddy for appellant and by Margaret Maxwell, deputy attorney general for respondent. Cause submitted.

DIVISION THREE (Continued)

B097480 Brown
 v.
 Zmuda, et al.

Merits:
Argued by Cherylynn Brown, in propria persona and by Yakub Hazzard for respondents. Cause submitted.

B104540 Gordon
 v.
 Uniroyal Tire Company, Inc.

Merits:
Argued by Glenn Beloian for appellant and by Eugene M. Genson for respondent. Cause submitted.

B112694 Cohen
 v.
 Modaberpour

Merits:
Argued by Robert T. Hanger for appellant and by Stephen H. Krumm for respondent. Cause submitted.

B113521 Cohen
 v.
 Modaperpour, et al.

Merits:
Argued by Stephen H. Krumm for appellant and by Robert T. Hanger and Bryan M. Weiss for respondents. Cause submitted.

DIVISION THREE (Continued)

B107771 Hampton
v.
National Research Group, et al.

Merits:

Argued by Kent L. Richland for appellant and by Barrett S. Litt for respondent. Supplemental letter brief due by appellant on June 30, 1998; response due by respondent on July 14, 1998. Submission deferred.

Court recessed at 12:35 P.M.

The Court reconvened at 2:00 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Goodman, J. (Assigned), and Valorie Gray, Deputy Clerk.

B117734 Cordoba
v.
Ramirez

Merits:

Argued by Louis P. Dell for appellant. Argument waived by respondent. Cause submitted.

B114472 People
v.
Casper

Merits:

Argued by Fred Klink, deputy district attorney for appellant and by Mark S. Rafferty for respondent. Cause submitted.

DIVISION THREE (Continued)

B109750 Highland Federal Bank
v.
Davis, et al.

Merits:

Argued by Samy S. Henein for appellant and by Michael J. Abney for respondents. Cause submitted.

B116742 Schidmore
v.
S.C.L.A.

Merits:

Argued by Richard G. Hirsch for petitioner and by Kyle S. Brodie, deputy attorney general for real party in interest. Cause submitted.

B108072 Berger, Kahn, Shafton, Moss, Fingler, Simon & Gladstone
v.
Lewis

Merits:

Argued by Allen L. Michel for appellant and by Kenneth G. Ruttenberg for respondent. Cause submitted.

B112754 Lynch
v.
Las Encinas Hospital

Merits:

Argued by David L. Margulies for appellant and by Lawrence A. Greenfield for respondent. Cause submitted.

DIVISION THREE (Continued)

B110539 People
v.
Jones

Merits:

Argued by Richard J. Moller for appellant and by Thomas C. Hsieh for respondent. Cause submitted.

Court adjourned at 4:30 P.M.

DIVISION FOUR

B104372 People (Not for Publication)
v.
Fernandez & Snook

The judgments are affirmed. The abstract of judgments are ordered amended to reflect additional conduct credits in the amount of 29 days for Snook and 28 days for Fernandez.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B108534 Page (Not for Publication)
v.
Southern Pacific Transportation Company

The orders granting Page's motion for judgment notwithstanding the verdict and denying Page's motion for a limited new trial are reversed. Appellant and cross-appellant are awarded their costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Czuleger, J. (Assigned)

DIVISION FOUR (Continued)

B119583 Lester Electrical of Nebraska, Inc. (Not for Publication)
v.
Superior Court, Los Angeles County
(Anthony et al., r.p.i.)

The alternative writ and temporary stay order are discharged. Let a peremptory writ of mandate issue directing that respondent trial court vacate its orders of January 5, 1998, to enter a new order granting petitioner's motion for leave to amend or supplement its answer, and to consider and rule on petitioner's motion to sever in light of this opinion. Petitioner is awarded costs.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B103661 Lazarus (Certified for Publication)
v.
Titmus et al.

The order denying the petition to compel arbitration and the judgment of dismissal are affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

DIVISION FOUR (Continued)

B118659 Zieman (Not for Publication)
v.
Superior Court of Los Angeles
People

The alternative writ and temporary stay order, having served their purpose, are discharged. Let a peremptory writ of mandate issue directing that respondent trial court vacate its order of December 3, 1997, and enter a new order granting petitioner's motion to change his plea to not guilty by reason of insanity. Petitioner is awarded his costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B116908 People (Not for Publication)
v.
Ernest Ronald Holland

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B111680 People (Not for Publication)
v.
Marvin Gordon

The sentence for attempted second degree robbery is reversed. The trial court is to resentence defendant as discussed in this opinion. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

[illegible]

The judgment is reversed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

DIVISION SIX

B109794 Mason (Not for Publication)
v.
Lippman et al.

The judgment is reversed. The parties shall bear their own costs on appeal.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

June 16, 1998-Continued

DIVISION SIX (Continued)

B110246 Sigerson (Not for Publication)
v.
McCornack et al.

The judgment is affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Stone, P.J.
 Gilbert, J.

B117235 Serbick (Not for Publication)
v.
H.G. Boehn Enterprises, etc. et al.

The judgment is reversed. The trial court is directed to vacate its order dismissing the action and enter a new order overruling the general demurrer. Appellant is awarded costs on appeal.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B116038 Burbank-Glendale-Pasadena (Certified for Publication)
Airport Authority
v.
City of Burbank

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Stone, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B121429 Francisco L. (Not for Publication)

v.
The Santa Barbara Superior Court
(Santa Barbara DSSPS, r.p.i.)

We order that the petition be dismissed. This dismissal is not on the merits.

Coffee, J.

We concur: Stone, P.J.
 Yegan, J.

B118784 People (Not for Publication)

v.
Flores

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B116320 People (Not for Publication)

v.
Galaviz

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

June 16, 1998-Continued

DIVISION SIX (Continued)

B118152 Donohue (Not for Publication)
v.
Santa Paul Mobile Home
Santa Paul West, Ltd.

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

DIVISION SEVEN

B112699 People v. Joyner (Not for Publication)

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

B105266 Henningsson (Not for Publication)
v.
City of Pasadena

The judgment is affirmed. Costs on appeal are awarded to respondent.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

DIVISION SEVEN (Continued)

B113859 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Russell R.

The order is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B099630 People
 v.
 Clark

Clark petition for rehearing denied by operation of law.

B107701 People v. Ayala
B116858 In re Ayala on Habeas Corpus

Petition for rehearing denied by operation of law.

B110703 Sharp v. Kelly & Cogan
B122606 Sharp v. Kelly & Cogan

Filed order consolidating above captioned appeals under B110703.